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C O N F I D E N T I A L SECTION 01 OF 03 JAKARTA 000108

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E.O. 12958: DECL: 01/16/2019
TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [KMCA](#) [PREL](#) [ID](#)
SUBJECT: INDONESIA SUPREME COURT CHOOSES A NEW CHIEF TO
MIXED REVIEWS

REF: A. 08 JAKARTA 2280
[B](#). 08 JAKARTA 1871
[C](#). 08 JAKARTA 1638 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The members of Indonesia's Supreme Court have chosen Harifin A. Tumpa to be the next Chief Justice. Tumpa had previously served as one of the court's vice chiefs and had been serving as the interim Chief Justice after the former Chief reached mandatory retirement age in October [1](#)2008. Members of the Court also chose two new vice chiefs.

[1](#)2. (C) SUMMARY (Con'd): The new trio of court leadership have already received mixed reviews given their apparent strong ties to Vice President Kalla who is not perceived as pro-reform (all three, for example, have ties to Kalla's home region of South Sulawesi). That said--and on the positive side, Tumpa has been a supporter of the USG's Millennium Challenge Corporation (MCC) Threshold Program with the Supreme Court. END SUMMARY.

COURT PICKS A NEW CHIEF

[1](#)3. (SBU) The Indonesian Supreme Court has selected a new Chief Justice. On January 15, 36 out of 43 Supreme Court members voted for Tumpa to become the new chief justice. With over 80% of the vote, Tumpa easily surpassed the Constitutionally-mandated 50% minimum threshold to become chief justice. His candidacy was essentially uncontested. According to court contacts, however, the two vice chair

positions were more hotly contested (see more below). (Note: The Supreme Court is Indonesia's highest court of appeal and oversees the management of the district courts and the high courts of appeal. The Supreme Court hears final appeals from lower courts and conducts case reviews if new evidence justifies a new hearing. The Constitutional Court, which is equal in stature to the Supreme Court, has the jurisdiction to hear cases involving the constitutionality of particular legislation, results of a general election and actions to dismiss a President from office.)

14. (C) Tumpa, who will turn 67 in February, doubly benefited from the December 2008 passage of the controversial Supreme Court bill. The previous law stipulated that Supreme Court justices must retire at the age of 65, with a possible extension of two years to 67. In September 2008, a controversial bill focused on extending the mandatory retirement age of Supreme Court justices from 65 to 70 was pushed through the Indonesian Parliament in record speed (reftel B). But after widespread criticism that the bill was designed to keep Bagir Manan, the then-Chief Justice, in power, the bill failed to pass by October 6 when Manan reached the mandatory retirement age. He was forced to retire at the end of October. The bill, however, ultimately passed in December 2008 before Tumpa and other senior court justices turned the mandatory retirement age of 67. With the new retirement age of 70, Tumpa will have several years in his new position.

15. (C) Tumpa already has received mixed reviews. Z. Arifin Muchtar of Gadjah Mada University's Anti-Corruption Center (PUKAT) told the press that his selection was "a setback" for reform. Sebastiaan Pompe, a Supreme Court expert at the IMF,

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told poloff that Tumpa is the last of the Supreme Court "old guard" and had been meeting with Vice President Jusuf Kalla in the weeks prior to the election. According to Pompe, Tumpa is a secularist professional with a formalist view of the law, which has both benefits (espousing judicial independence and valuing equality before the law) and drawbacks (not understanding the need for court reform, etc.). Both Muchtar and Pompe believe that under Tumpa's leadership the court will not be pro-reform. For additional bio data please see para 8-9.

RACE FOR THE VICE CHIEFS

16. (C) Another selection process involved the two vice chief positions. There were initially five candidates. Paulus E. Lotulung and Djoko Sarwoko were initially selected as the two vice chiefs, but then announced that they would not accept the positions for unspecified reasons. Pompe elaborated that turmoil ensued and voting was suspended as phone calls were reportedly made to the Vice President's office, leading some watchers to suspect that the election was orchestrated from Kalla's office. Abdul Kadir Mappong and Ahmed Kamil, both from Makassar, were eventually selected for the number two spots, with Kamil selected to be the "Non-Judicial" Vice Chief and Mappong selected as the "Judicial" Vice Chief. The selection of Kamil may signal the rising importance of the religious courts as Ahmed Kamil originates from the Muslim legal tradition.

USG PROGRAMMING

17. (C) Despite the somewhat negative assessment by some court watchers, the new chief and his deputies may not be a bad choice for reform, however. Both Harifin A. Tumpa and Ahmad Kamil have been supportive of the MCC Threshold-funded and USAID-implemented Supreme Court reform project (reftel C). This programming has focused on conducting a staffing assessment, conducting training on court administration, court budgeting, discipline, and wealth reporting. The MCC-funded project is working to socialize Court Administration Guidelines plus the recently enacted Judicial

Code of Conduct and a new Court Transparency Decree among court officials and staff. MCC/USAID is relatively optimistic about court reform under the new chief and deputies.

TUMPA BIOGRAPHIC INFORMATION

18. (U) Harifin Tumpa was born in Soppeng, South Sulawesi, on February 23, 1942. He attended attorney and judges school in Makassar from 1959 to 1963. He received a law degree from Hasanuddin University in Makassar in 1972. Additionally, he received a Post-graduate degree at the University of Leiden, a masters in law at the University of Jakarta, and a doctorate from Gajah Mada University.

19. (U) He began his career as a judge in the Takalar District Court in 1969 in South Sulawesi. He served as a chair of several district courts in South Sulawesi from 1972 to 1989. He became a judge in the West Jakarta District Court in 1989 and then the head of the Mataram District Court in 1994. In 1997, he joined the high court of Makassar as a Director of Civil Law. In 2001 he was deputy head of the South Sumatra High Court, and from 2002 until 2004, he served

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as the head of the Central Sulawesi High Court. He became a Supreme Court justice in September 2004. He became the Vice Chief Justice for Non-Judiciary Affairs in 2007.

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